

May 7th, 2018



**BERKELEY-CHARLESTON-DORCHESTER
COUNCIL OF GOVERNMENTS**

Title VI Program for
Transportation Planning Activities

**RESOLUTION ADOPTING THE BERKELEY-CHARLESTON-DORCHESTER
COUNCIL OF GOVERNMENTS TITLE VI PROGRAM FOR TRANSPORTATION
PLANNING ACTIVITIES**

WHEREAS, The Berkeley-Charleston-Dorchester Council of Governments is the regional planning agency and coordinating body, as well as the designated Metropolitan Planning Organization (MPO), for transportation planning in the BCD Region which includes three counties, and

WHEREAS, to fund its many work activities, the BCDCOG receives direct or pass-through federal funding from agencies such as the US Department of Transportation (Federal Highway Administration and Federal Transit Administration); and the US Department of Labor; and

WHEREAS, as a recipient of federal funds, the BCDCOG is required to comply with the requirements of Title VI of the Civil Rights Act of 1964 which prohibits discrimination based on race, color and national origin, specifically 42 USC 2000d, which states that: No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance; and

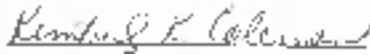
WHEREAS, The BCDCOG must also comply with the additional protections set forth in Presidential Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations) and Presidential Executive Order 13166 (Improving Access to Services for Persons with Limited English Proficiency); and

WHEREAS, The BCDCOG did develop and adopt a Title VI Plan including a Limited English Proficiency Plan, as required by the Federal Transit Administration, BCDCOG has expanded the Title VI Program & Plan to include all necessary elements, and

NOW, THEREFORE, BE IT RESOLVED that the Berkeley-Charleston-Dorchester Council of Governments certifies compliance with policies, procedures and plans with regard to Title VI of the Civil Rights Act of 1964 (as amended) and additional Assurances as required and hereby adopts its 2016 Title VI Program & Plan, and

APPROVED AND ADOPTED

This 7th day of May, 2018.



Signature of Attesting Witness

Kim Coleman

Typed Name of Attesting Witness



Signature of Chairperson

Eddie Pryor

Typed Name of Chairperson

ACCESSIBLE FORMATS

This document is available in accessible formats upon request. Paper copies of this document as well as information regarding accessible formats may be obtained by contacting the Berkeley-Charleston-Dorchester Council of Governments at the following:

Berkeley-Charleston-Dorchester Council of Governments

1362 McMillan Ave., Suite 100

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Table of Contents

Introduction	1
Title VI of the Civil Rights Act of 1964	1
BCDCOG/MPO Policy Statement	2
Requirement to Maintain a Title VI Program	2
Transit Program Administration	3
General Program Administration	4
Regional Demographic Data	5
Public Participation	5
Limited English Proficiency Plan (LEP)	11
Distribution, Monitoring and Updating the Title VI and LEP Policies	14
Board and Committee Memberships	15
Conclusion	15
Appendix A - Title VI Policy Statement	ii
Appendix B Maps	iii
Appendix C - Log of Title VI Investigations and Complaint Form	x
Appendix D - Policy Committees	xii
Appendix E - Assurances	xvii

INTRODUCTION

Planning activities must be conducted with the involvement of and for the benefit of all the region's residents. The Berkeley-Charleston-Dorchester Council of Governments (BCDCOG) is guided by Federal Title VI of the Civil Rights Act of 1964 and environmental justice mandates. BCDCOG not only strives to meet these mandates, but works to create an overall transparent, inclusive planning process for all. BCDCOG administers the Charleston Area Transportation Study (CHATS) area, which is the Metropolitan Planning Organization (MPO) and regional council for the three county region. BCDCOG is committed to integrating Title VI of the Civil Rights Act of 1964, as part of the planning process in all its programs so that it may serve as a guide for public participation efforts.

TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Title VI of the Civil Rights Act of 1964, as amended, protects any person in the United States on the grounds of race, color, religion, national origin, or disability from being excluded from participation, being denied the benefits of, or being otherwise subjected to discrimination under any program or activity receiving federal financial assistance from the United States Department of Transportation (USDOT).

The Age Discrimination Acts of 1975 further prohibits exclusion based on age, and Title 23 USC 324 added that no person should be excluded from participation on the basis of sex (gender). The Civil Rights Restoration Act of 1987 re-emphasized all of the anti-discrimination laws and the applicability to federal programs.

By participating in USDOT (FHWA and FTA) programs, recipients provide the following assurance: no person, on the grounds of race, color, creed, national origin, gender, age or disability shall be excluded from participation in, or denied the benefits of, or be subject to discrimination under any project, program or activity funded in whole or in part by the FHWA and/or FTA. In addition, joint participation agreements contain the assurance that sub-recipients shall not discriminate against any employee or applicant for employment because of race, color, creed, national origin, gender, age or disability.

Nondiscrimination requirements apply to activities such as, but not limited to, land acquisition and relocation of residences and businesses, impacts of construction and alignment of roads, transit routes or fixed guideways,, vehicle assignments, and transit amenities available such as bus shelters, headways, passenger loads, environmental considerations, public involvement, and multilingual communication. It is critical that these activities be conducted or provided in the context of Title VI. In carrying out the provisions of the U.S. Department of Transportation (USDOT) Title VI Regulations at 49 CFR Part 21, additional documents referenced that incorporate Title VI principles are listed below:

- a. DOT Order 5610.2, the Department of Transportation's Order on Environmental Justice, establishes the procedures used by the Department to comply with Executive Order 12898, "Federal Actions to address Environmental Justice in Minority Populations and Low-Income Populations," dated February 11, 1994.
- b. The Department of Transportation's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient Persons ("DOT LEP Guidance"), 70 FR 74087, (December 14, 2005). This guidance is based on the prohibition against national origin discrimination in Title VI of the Civil Rights Act of 1964, as it affects limited English proficient persons.
- c. Section 12 of the FTA Master Agreement, which provides, in pertinent part, that the recipient agrees to comply, and assures the compliance of each third-party contractor at any tier and each subrecipient at any tier of the project, with the provisions of 49 U.S.C. Section 5332, which prohibits discrimination on the basis of race, color, creed, national origin, disability, gender, or age, and prohibits discrimination in employment or business opportunity. Furthermore, the recipient agrees to comply, and assures the compliance of each third-party contractor at any tier and each subrecipient at any tier of the project, with all provisions prohibiting discrimination on the basis of race, color, or national origin of Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. Sections 2000d et seq., and with 49 CFR part 21, "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act." Unless FTA states otherwise in writing, all recipients shall comply with all applicable Federal directives, current or future, not listed herein.



- d. FTA C4702.1B Title VI Requirement and Guidelines for Federal Transit Administration (FTA), October 1, 2012, financial assistance with guidance and instructions necessary to carry out U.S. Department of Transportation Title VI regulations (49 CFR part 21) and to integrate in their programs and activities expressed in the Department's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Person (70 FR 74087, December 14, 2005). This circular supersedes FTA Circular 4702.1A dated May 17, 2007.
- e. Standard U.S. DOT Title VI Assurances are incorporated into this Title VI plan as Attachment A.

BCDCOG/MPO POLICY STATEMENT

The BCDCOG, as the MPO and regional council for the tri-county region, serves as the primary forum where the state department of transportation, transit providers, local agencies, and the public collaborate to develop local plans and programs that address the region's transportation needs. To meet the requirements of Title VI, the BCDCOG strives to do the following:

- » Enhance its analytical capabilities to ensure that Long-Range Transportation Plans and the Transportation Improvement Programs (TIP) are developed in compliance with Title VI.
- » Identify transportation patterns between residences and medical, employment, and basic services of low-income, minority and other disadvantaged populations so that their needs may be identified and addressed, and the benefits and burdens of transportation are fairly distributed.
- » Evaluate and, where necessary, improve the public involvement process to eliminate barriers to the engagement of minority, disabled, elderly, and low-income populations in regional decision-making.
- » Provide transit service to all citizens regardless of their race, color, creed, national origin, gender, age, or disability.
- » Not discriminate against any employee or applicant for employment because of race, color, creed, gender, or national origin, and take action to ensure that applicants and employees are not discriminated against during employment.
- » Make special efforts to provide transportation for persons with disabilities, and ensure compliance with 49 CFR 27, Nondiscrimination on the Basis of Disability.
- » Ensure that the level and quality of transportation facilities and services are developed and provided without regard to the race, color, creed or national origin of those who will benefit or be burdened.
- » Identify and address, as appropriate, disproportionately high and adverse human health and environmental effects, including social and economic effects of programs and activities on minority and low-income populations.
- » Promote the full and fair participation of all affected populations in transportation decision making and prevent the denial, reduction, or delay in benefits related to programs and activities that benefit minority, low-income or other disadvantaged populations
- » Ensure meaningful access to programs/activities for those with limited English proficiency.

A signed copy of the BCDCOGs official Title VI Policy Statement is provided herein as Appendix A.



REQUIREMENT TO MAINTAIN A TITLE VI PROGRAM

This document ensures compliance with 49 CFR Section 21. This program will be updated and amended as needed or required, at a minimum every four (4) years or whenever significant changes have occurred in the recipient's organization.

The BCDCOG will record, retain, and submit information as necessary or required to document compliance with Standard DOT Assurances per USDOT Order No. 1050.2A attached hereto in the appendices of this document. Title VI certification and assurances shall likewise be required of subrecipients on an annual basis. A report summarizing compliance by the BCDCOG and any subrecipients shall be submitted to the responsible FHWA/FTA/SCDOT office every four years. Compliance with requirements of Elements in Chapters III, IV, and VI and appendices of the FTA Circular 4702.1B are to be included in these reports.

TRANSIT PROGRAM ADMINISTRATION

The BCDCOG uses a project selection process to ensure and monitor that financial assistance is passed-through subrecipients in a non-discriminatory manner. The BCDCOGs competitive process for selecting transit providers as sub-recipients for federal funding was developed with guidance from a regional work group that developed the BCD Regional Human Service Transportation Coordination Plan. Subsequent to the work group's sign off on the process, the BCDCOG Board of Directors adopted the process for use in sub-allocating FTA funds. The South Carolina Department of Transportation (SCDOT) uses this same competitive selection process to allocate funds for the rural portion of these programs.

Selection Criteria

In accord with the FTA approved Program Management Plan of the BCDCOG, the BCDCOG applies the following criteria in selecting transportation providers to participate in FTA programs as subrecipients:

- » Must meet all criteria outlined in the FTA Master Agreement for FTA Sections 5307, 5310 and other FTA programs.
- » Must meet all criteria presented in the FTA Certifications and Assurances, including Title VI and DBE certifications.
- » Must propose a project that meets the objectives of the program for which funding is sought, including equitable distribution of service to minority and low-income populations.
- » Must meet the selection criteria outlined in the project selection process, such as financial and organizational capacity to execute the project.
- » Must complete Form 424-Application for Federal Assistance.
- » All types of agencies are eligible to apply for the programs; including private operators of public transportation services; however they cannot be a direct subrecipient.
- » Must conform to the objectives developed in the BCD Regional Human Service Transportation Coordination Plan.

Documentation of Applicants

In an effort to document and monitor performance of the BCDCOGs sub-allocation program, a record of requests for all FTA funding will be maintained. The record will identify those applicants that proposed to use grant program funds to provide assistance to predominantly minority and low-income populations. The record will also indicate whether those applicants were accepted or rejected for funding. In accordance with the appropriate guidelines, the BCDCOG will submit its annual Title VI certification and assurances in FTA's web-based reporting system.

The BCDCOG will provide assistance, to the extent of its abilities and without incurring legal liability, to any applicant interested in applying for Elderly Individuals and Individuals with Disabilities, Rural and Small Urban Area Formula Funding and other FTA funding. BCDCOG staff will be available to meet with, visit, and/or otherwise discuss the



parameters of the program. This assistance includes information regarding the process, requirements, and oversight procedures for any potential applicants. Mapping and demographic data will be made available that describes the areas of the region that are predominantly minority and low-income populations. Minority and low-income populations are defined by Census tracts that contain 50% or greater of these individuals. Applicants that provide service to employment centers that potentially employ minority or low-income individuals will be considered as serving these populations.

Monitoring Subrecipients

The BCDCOG will document its process for ensuring that all subrecipients are complying with the general reporting requirements of FTA Circular 4702.1B. Subrecipients will be required to sign an affirmation of compliance with the Title VI requirement in any application package for FTA funding. Upon award of funding, subrecipients will be required to sign and operate within the FTA certifications and assurances. Performance monitoring will occur via oversight reviews and established reporting requirements in accord with schedules established by the BCDCOG within subrecipient agreements. Summaries of such monitorings will be addressed in BCDCOG/CHATS reports to SCDOT and FTA.

At the request of FTA, in response to a complaint of discrimination, or as otherwise deemed necessary by the SCDOT, the BCDCOG shall request that subrecipients who provide transportation services verify that their level and quality of service is provided on an equitable basis. Subrecipients will be asked to develop system-wide service standards and verify that services provided to predominantly minority and low-income communities meet these standards.

Assistance Provided to Subrecipients

The following sample notice to the public informing beneficiaries of their rights under Title VI and procedures on how to file a Title VI complaint will be provided to all subrecipients:

Public Information Concerning Title VI of the Civil Rights Act of 1964, as amended

“The transportation provider is committed to ensuring that no person is excluded from participation in, or denied the benefits of its transit services on the basis of race, color, or national origin, as protected by Title VI of the Civil Rights Act of 1964. If you believe you have been subjected to discrimination under Title VI, you may file a written complaint with the transportation provider, _____(mailing address), or call the transit information center at _____(phone number, Toll Free phone number, TTY number), or by e-mail on this website under “Contact Us.”

All subrecipients will be required to place notices of Title VI rights in a prominent location where members of the public access the subrecipients’ services, e.g. customer service desks, foyers, and/or office bulletin boards.

GENERAL PROGRAM ADMINISTRATION

BCDCOG and CHATS produce three major planning documents: the Unified Planning Work Program (UPWP), Transportation Improvement Program (TIP), and the Long Range Transportation Plan (LRTP) and conduct a number of transportation planning initiatives, including the preparation of special areas and/or corridor plans. Protections provided under Title VI are incorporated into each planning or work program document to ensure programs, policies, services, or activities do not result in discrimination towards any person or group of persons on the basis of race, color, or national origin. Transportation Improvement Projects selected for execution consider the needs as well as the impacts on those traditionally underserved by the transportation systems, such as low income and minority populations who may face challenges accessing employment, medical and other services. Service equity analyses are conducted in conjunction with any transportation project, particularly transit service adjustments, to determine who is benefiting and who is burdened by the proposed change. The BCDCOG/CHATS do not construct new transportation facilities and/or operate a transit system whereby a Title VI Equity Analysis has been required. There have been no Equity Analyses conducted in the past three years.



REGIONAL DEMOGRAPHIC DATA

Demographic information available from the US Census, including average household income, concentrations of special groups, elderly persons, and low-income populations will be employed to evaluate the level of transit and non-transit transportation services provided to these groups. Information gathered will provide objective data as to the service being delivered. Data, to include but not limited to that noted below, will be collected and analyzed annually, as available, to update the following:

	Berkeley County	Charleston County	Dorchester County
Total Population (2016 Census Estimates)	211,863	396,570	153,471
Low to Moderate Income (LMI) (2017 HUD)	38.5%	42.0%	34.6%
Regional Census Data - Minority (2016 American Community Survey 5-Year Estimates)	36.8%	35.3%	34.1%
Regional Census Data - Ethnicity: (Populations of Hispanic origin, 2016 American Community Survey 5-Year Estimates)	5.7%	4.8%	4.7%

PUBLIC PARTICIPATION

In accordance with federal guidelines, BCDCOG has developed and adopted a Public Participation Plan (PPP) that strives to involve all stakeholders in the planning process while recognizing that minorities, low income and other populations need additional outreach. The approved PPP documents actions to be carried out by BCDCOG to ensure that opportunities exist for the public to be involved in transportation planning activities, pursuant to Title 23 CFR 450.316 of Statewide Planning; Metropolitan Planning and 40 CFR 93.100 Criteria and Procedures for Determining Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects and Section VI-A 2CCR604-2 Statewide Transportation Planning rules. The public participation process is designed to ensure opportunities for all segments of the public to express views on transportation issues and to become active participants in the decision-making process.

By providing the opportunity for everyone to participate in the transportation planning process, the BCDCOG insures that the needs of all people can be met and that their desires for how the whole community should function and develop will be considered. To accomplish this, BCDCOG staff uses Census data to determine where concentrations of the underserved or underrepresented reside. Using this data, staff does the following:

1. Holds public meetings that are convenient to geographic concentrations of low income and minority districts in terms of walk-ability and available transit options, which tend to be used more by low-income individuals than other forms of transportation;
2. Makes all draft documents available for public review via a variety of media as described below;



3. Includes residents or organizations, that express an interest by attending public meetings or notifying the BCDCOG by other means, in the direct mailing list to receive information about future events and plan development;
4. Continues to research creative methods of reaching these populations with information, documents, and invitations other than the techniques listed within this document;
5. Seeks out community leaders or representatives of these groups to participate in planning processes as appropriate; and
6. Meets and makes presentations to organizations that represent these segments of the population as requested.

Public Meeting Principles

Public meetings are held for a variety of transportation planning and programming purposes and different levels of public input are expected. The purpose of these meetings is threefold: to confirm the purpose and intent of the plan or project; to present the trends and forecasts for the region; and to gather public input. Actions of meetings may result in the adoption or approval/disapproval of the Unified Planning Work Program (UPWP), Transportation Improvement Program (TIP), Long Range Transportation Plan (LRTP), and/or suballocation of FTA programs. Other actions that may occur as a result of public input include adoption of resolutions for amendments, adjustments, endorsements, special plans and reports

Early Involvement:

- » Early involvement with local community leaders will help to determine suitable meeting forums and information formats to foster valuable input, especially when soliciting input from disadvantaged populations.
- » Understandable and Interesting Language/No Jargon: The BCDCOG/MPO will make reasonable efforts to address identified language barriers in order to provide meaningful access to information on its plans and programs.
- » Meeting notices and materials will use appropriate, understandable language — acronyms and other technical jargon will be avoided to the extent that is possible to the subject matter (For a helpful Transportation Planning Glossary, see Appendix E). Efforts will be made to tailor advertising, project campaigns and slogans to generate the most interest possible.
- » Accessibility: BCDCOG meetings and public review meetings shall be held at locations and times that are convenient and accessible. When there are a series of public meetings being held throughout the region on a certain plan or program, at least one-quarter of these meetings shall be held at a time and location that is accessible by public transportation.

Outreach Tools and Techniques

Extensive outreach efforts throughout all areas of the region are conducted in order to assemble a broad cross-section of input into the decision making process, including traditionally underserved areas. BCDCOGs outreach efforts in these areas will continue to provide these residents with an opportunity to voice their opinions and concerns. The type of public outreach efforts employed for a particular project will be determined based on the project's overall regional and local impact. Highly localized planning initiatives or projects may require more specialized outreach within the project's area of influence, rather than the broad outreach efforts required by others. The BCDCOG/CHATS will continue to conduct, sponsor, and participate in special and community events that reinforce the mission and strategic plan of the organization, educate the public, and provide opportunities for public input.

Minimum Public Notification Procedures

Meetings notices shall be advertised in the Post & Courier and Charleston Chronicle newspapers. Documents shall be made available in draft form for public review and comment (in the offices of the BCDCOG and at City and County Planning Departments in the region), at least fifteen (15) days prior to a Board of Directors and/or MPO Policy Committee Meeting where action is scheduled. Notices will also be sent to other media outlets that focus on minority population



in the community. These outlets include, but are not limited to, the following:

- » WAZS 98.9 El Sol
- » Jabr Communications
- » WJEA Channel 12

Outreach Tools

The BCDCOGs approach in publicizing its public meetings may also include one or more of the following outreach methods:

Public Notices:

Public notices and/or advertisements will be placed in local or subregional newspapers, in addition to major regional newspapers deemed appropriate for the project. Public service announcements and meeting advertisements will be sent to popular minority and ethnic radio stations. Whenever possible and appropriate, public service announcements and meeting advertisements will be sent to the public access cable television station, in addition to regional network stations. A distribution list of regional newspapers maintained by the BCDCOG staff will be available on request.

Paid Advertising:

Various projects may require additional paid advertising in the form of newspaper display, radio, or television ads. These will be more detailed than a standard Public Notice.

Newsletters:

BCDCOG produces and distributes a periodic newsletter that includes articles and other information of interest on BCDCOG plans, programs, and studies, including upcoming meeting dates, times, and locations.

Flyers/Posters:

When appropriate, participation from target populations will be sought by posting flyers/posters and meeting notices in locations such as government centers, neighborhood shops, religious institutions, social service agencies, employment centers, bus stops/transit hubs, senior centers, public health clinics, public libraries, community centers and popular meeting places. Postcards and flyers may also be distributed directly to residents.

Traditional Letters:

When appropriate, traditional letters about plans, studies, projects or any other information deemed important for public input will be mailed out to interested parties, stakeholders, and members of the advisory committees.

Press Releases:

Press releases will be distributed to ensure interested parties and the press is up-to-date on news and information concerning BCDCOG/CHATS activities.

The BCDCOG/CHATS website, (<https://bcdcog.com/transportation-planning/>) will be employed as a tool for disseminating information on meetings, project updates and background. A calendar is included on the BCDCOG website displaying scheduled committee meetings. The website is also a tool to describe and visually represent transportation plans, programs, meetings, and other appropriate information. Staff shall post draft documents on the website for public review and comment. The website shall contain, but is not limited to:

- » Work products and publications — TIP, UPWP, LRTP, etc.
- » Links to related agencies and planning partners — SCDOT, FHWA, CARTA, etc.
- » Current Operating Procedures — including the adopted Public Participation Plan
- » A listing of current member jurisdictions



- » Meeting calendars with agendas as soon as feasible
- » Contact information – mailing address, phone, fax and e-mail
- » Profiles of staff with current responsibilities

Mailing databases:

The assembly and maintenance of a database comprised of names and addresses of social and civic groups, neighborhood and community associations and interested individuals will assist in the public outreach for implementation of the BCDCOG/MPO Public Participation Plan and other plans. The electronic list of names will serve as a mailing list for notification of meetings. Particular efforts will be made to include community leaders representing low-income, minority, disabled and non-English-speaking populations. To supplement the database, members of the public will be asked if they would like to be included on a mailing list as a part of comment forms dispensed and collected at public meetings and requested to provide mailing and e-mail addresses. E-mail messages and/or post cards will be sent to individuals and groups notifying them of meetings, in addition to the notices that are distributed to the local media.

Information Gathering Techniques

Outreach Tools listed above will serve to initiate a two-way dialogue and therefore also act as Information Gathering Tools. Other techniques that may be employed are, but are not limited to:

Internet	As internet usage and availability continues to increase so will the BCDCOGs utilization of this technology to gather input. Online surveys are obvious tools to gather public sentiment along with website “hit” counts to analyze which plans or projects are garnering interest.
Surveys	Common input gathering tools include statistically valid telephone surveys, user surveys, traditional postage -paid comment cards, and online surveys.
Comment Card	Comment cards will be available at every public meeting where all participants will be encouraged to fill out a comment card. In addition to gaining feedback, the BCDCOG can also bolster its interested party’s database if the participant wishes.
Advisory Committees	The Title VI Working Group advises staff and reviews plans in regards to Environmental Justice.
Door-to-Door Campaigns	When warranted, highly localized projects may benefit from door-to-door (business and/or residential) campaigns to distribute information, project updates, and gather input and comments.
Social Events	As part of the public outreach to minority and low income populations, the BCDCOG has and will continue to participate in regional social activities such as, but not limited to, the regional Black Expo held in the City of North Charleston, the Charleston Green Fair, the North Charleston Earth Day Festival, and other opportunities as they arise.

Coordination with Partners

The BCDCOG will also continue to partner with the SC Department of Health and Environmental Control, the Medical University of South Carolina, the University of South Carolina School of Public Health and others on ways to develop programs and policies that address the needs of the disadvantaged groups. The BCDCOG administers the SC Works Employment Centers as part of its agency which adds an additional opportunity to access the needs of those



disadvantaged populations needing transportation services for employment. The BCDCOG will continue to maintain coordination with, and to strive to locate more, partners by focusing on the following methods of outreach:

- » Email notification, to organizations such as rural migrant mission
- » Use of Facebook, Twitter and other social media
- » Use of ads on buses with a service change
- » Coordination with human service transit providers
- » Engagement of community leaders and churches in affected geographic area as information resources
- » Mobility management one-on-one phone line
- » 211 (United Way) transportation information & coordinate for updates
- » Low-income bus pass program, operated by SCWorks
- » Use of Environmental Justice as a scoring criterion in LRTP/TIP project selection
- » Continued maintenance of GIS data on minority & low-income populations

COMPLAINT RESPONSE PROCEDURE

The following is the procedure employed by the BCDCOG in tracking and investigating Title VI complaints. The procedure will also be provided to subrecipients as a sample process to employ.

1. Any written or oral complaint alleging discrimination on the grounds covered by Title VI of the Civil Rights Act of 1964, as amended, will be recorded upon receipt on a log sheet maintained by the BCDCOG. The log should include the following:
 - » Name of complainant(s)
 - » Date complaint was received
 - » Nature of complaint
 - » Action taken by agency
 - » Initial/signature of the agency representative handling the complaint (COMPLAINT FORM and LOG are located in APPENDIX C)
2. Once a complaint is recorded on the log sheet, it will be forwarded within fifteen (15) business days with a cover letter to the SCDOT, Title VI Coordinator, P.O. Box 191, Columbia, SC 29201-0191. A copy of the cover letter will be provided concurrently to the complainant to advise them that the complaint was forwarded to SCDOT for investigation. BCDCOG staff will provide appropriate assistance to complainants, including those persons with disabilities, or who are limited in their ability to communicate in English in filling out the complaint form. In instances where additional information is needed for assessment or investigation of the complaint, the complainant will be contacted in writing within 10 working days. All Title VI complaints must be filed no later than 180 days after the alleged discrimination.
3. The Deputy Director, Ms. Robin Mitchum, has been designated the Title VI Liaison. In that capacity, the Finance Manager is responsible for managing the complaint process from initial contact to resolution of the issue. Implementation of the Title VI Program is accorded the same priority as compliance with all other legal obligations incurred by BCDCOG in its financial assistance agreements with USDOT.



4. SCDOT will process the complaint in accordance with the approved Title VI Complaint Processing Procedures. In addition to the complaint process stated above, a complainant may file a Title VI complaint with the U.S. Department of Transportation as required by the federal agency.
5. To date, the BCDCOG has received no Title VI complaints.
6. The BCDCOG Title VI Coordinator will continue to attend Title VI training when training is available.

The Deputy Director is the BCDCOG Title VI Coordinator. Current contact information and duties are as follows:

Ms. Robin Mitchum, Deputy Director of Administration & Finance
1362 McMillan Ave., Suite 100
North Charleston, SC 29405
Phone: 843.529.0400 Fax: 843.529.0305
E-mail: robinm@bcdcog.com (www.bcdcog.com)

General Statement of Job

Under the supervision of the Executive Director, the Deputy Director administers and coordinates the fiscal and contractual programs and activities for the agency.

Essential Functions

These are intended only as illustrations of the various types of work performed. The omission of specific duties does not exclude them from the position.

Supervises and coordinates the fiscal accounting programs and activities of the agency; maintains personnel-related information systems and coordinates personnel management services for the organization.

Supervises various bookkeeping and accounting functions, including payroll, accounts payable, and the management of various grants funding accounts; establishes systems and procedures for formal books of account, including posting, balancing and reconciliation.

Organizes and assists in the preparation of budgets for the agency and for agency projects, including the initial compilation of data, the drafting of budgets, and the coordination of grant funding sources and revenues with agency budgets; prepares fiscal portions of budgets for project grant applications.

Maintains a variety of informational systems relating to the financial management of the agency; prepares periodic status reports relating to activities and transactions; provides research services to the Executive Director in preparing financial forecasts and analyses and the development of reports, summaries and statistical data for internal and external use and publications.

Provides technical assistance to local communities for the financial administration of federal funds.

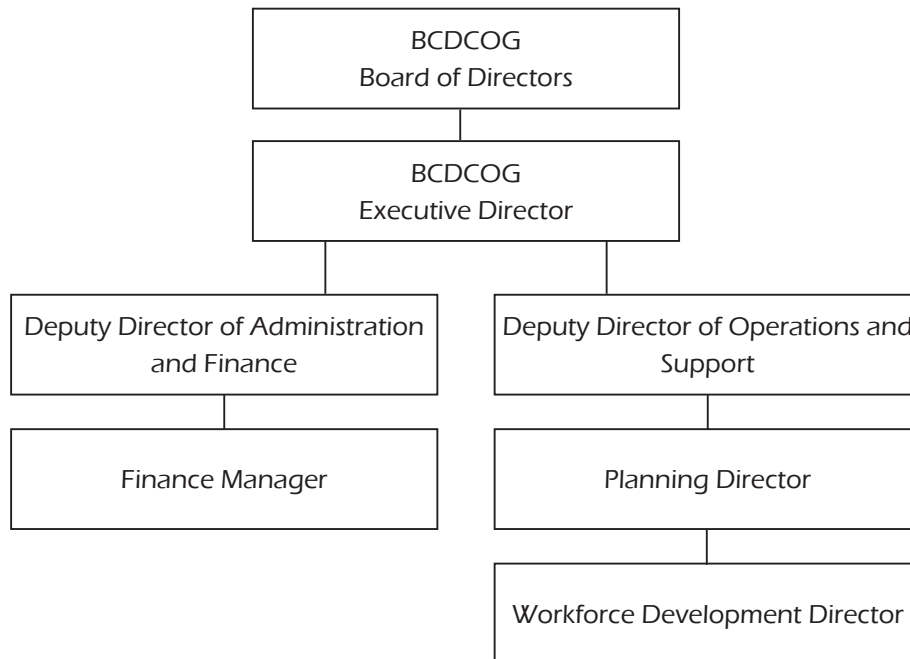
Acts as the agency Title VI Coordinator.

Additional Duties:

Performs other duties as required by the Executive Director.



BCDCOG Organizational Chart



LIMITED ENGLISH PROFICIENCY PLAN (LEP)

As defined in Executive Order 13166, Limited English Proficiency (LEP) persons are those who do not speak English as their primary language and have limited ability to read, speak, write or understand English. Executive Order 13166, titled *Improving Access to Services for Persons with Limited English Proficiency*, dictates that differing treatment based upon a person's inability to speak, read, write or understand English is a type of national origin discrimination. It directs each agency to publish guidance for its respective recipients clarifying their obligation to ensure that such discrimination does not take place. This order applies to all state and local agencies which receive federal funds.

LEP Plan/Policy Summary

The BCDCOG has developed and adopted a **Limited English Proficiency Plan** to help identify reasonable steps for providing language assistance to persons with limited English proficiency (LEP) who wish to access services provided. The LEP Plan outlines policies for how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and how to notify LEP persons that assistance is available. In order to prepare the LEP policies, the BCDCOG used the four-factor LEP analysis which considers the following factors:

- » The number or proportion of LEP persons in the service area who may be served by the BCDCOG.
- » The frequency with which LEP persons come in contact with BCDCOG services.
- » The nature and importance of services provided by the BCDCOG to the LEP population.
- » The interpretation services available to the BCDCOG and overall cost to provide LEP assistance.



Meaningful Access: Four-Factor Analysis

1. The number or proportion of LEP persons in the service area who may be served or are likely to require BCDCOG services according to 2016 American Community Survey 5-Year Estimates:

Ability to Speak English at Home for the Population of 5 Years and Over

	Berkeley	Charleston	Dorchester
Total Population (5 Years of Age & Older):	185,561	357,331	138,963
Speak English less than "very well"	13,718	23,783	9,127
Percentage	7.4%	6.7%	6.6%

2. The frequency with which LEP persons come in contact with BCDCOG services. The BCDCOG staff will review the frequency with which the Executive Board and office staff have, or could have, contact with LEP persons. This includes documenting phone inquiries or office visits with/by LEP persons. To date, the BCDCOG has had no requests for interpreters and no requests for translated program documents. The administrative office staff have had limited contact with LEP persons.
3. The nature and importance of services provided by the BCDCOG to the LEP population. As part of the public outreach to LEP populations, the BCDCOG participates in the regional Black Expo held in the City of North Charleston, the Charleston Green Fair, the North Charleston Earth Day Festival, and other opportunities, such as the Latin-American Festival, as they arise.
4. The resources available to the BCDCOG and overall costs to provide LEP assistance. The BCDCOG will review its available resources for providing LEP assistance, which of its documents would be most valuable to be translated if the need should arise, and contact local jurisdictions and colleges that would be willing to provide voluntary Spanish and other language translation or large print if needed within a reasonable time period.

Language Assistance

A person who does not speak English as their primary language and who has a limited ability to read, write, speak or understand English may be a Limited English Proficient (LEP) person and may be entitled to language assistance with respect to BCDCOG services. Language assistance can include interpretation, which means oral or spoken transfer of a message from one language into another language and/or translation, which means the written transfer of a message from one language into another language. Measures by which the BCDCOG staff may assist and document interactions with an LEP person who needs language assistance, include but are not limited to:

- » Posting notice of LEP Policies and the availability of interpretation or translation services free of charge in languages LEP persons would understand.
- » Providing all BCDCOG staff with "I Speak" cards to assist in identifying the language interpretation needed if the occasion arises.
- » Surveying all BCDCOG staff annually on their experience concerning any contacts with LEP persons during the previous year.
- » Publishing advanced public notice of an informational meeting or event sponsored by the BCDCOG/MPO including the ability to offer a translator (LEP) or interpreter (sign language for hearing impaired individuals). Additionally, staff persons greeting participants as they arrive at meetings will informally engaging participants in conversation such that it is possible to gauge each attendee's ability to speak and understand English. Although translation may not be able to be provided at the event it will help identify the need for future events.



- » Providing meeting notices, fliers, advertisements, and agendas printed in an alternative language, such as Spanish when staff knows that they will be presenting a topic that could be of potential importance to an LEP person or will be hosting a meeting or a workshop in a geographic location with a known concentration of LEP persons,
- » Inserting the clause “Un traductor del idioma español estará disponible” which means “A Spanish translator will be available”, or if not sure of the need, inserting the clause, “Si usted necesita la ayuda de un traductor del idioma español, por favor comuníquese con la (insert staff name) al teléfono (727) 464-8200, cuando menos 48 horas antes de la junta” which asks persons who need Spanish language assistance to make arrangements with the BCDCOG within two days of a public meeting notice being published..
- » Including this statement when running a general public meeting notice. “Persons who require special accommodations under the Americans with Disabilities Act or persons who require translation services (free of charge) should contact (insert staff name) within two days of public meeting notice being published.”

Language Assistance Measures:

When requested, the BCDCOG staff will take reasonable steps to provide the opportunity for meaningful participation by LEP clients who have difficulty communicating in English or have a disability that prevents them from fully participating in the public process. The following resources will be made available within a reasonable time period to accommodate LEP persons:

- » Volunteer interpreters for the Spanish language and hearing impaired
- » Translated written communications of small BCDCOG document. The BCDCOG website content may now be easily converted to Spanish and 49 other languages through the use of the Babble Fish software on the website.

Translation of Documents

Considering the expense of translating all BCDCOG/MPO documents, the likelihood of frequent changes in documents and other relevant factors, at this time it is not necessary to have all documents translated. The following BCDCOG documents are currently available in Spanish: bicycle safety poster, pedestrian crosswalk safety flyer, pedestrian sidewalk safety flyer, bicycle safety flyer, Transportation Disadvantaged Program brochure and application, and the Title VI complaint form.

Training

The following training will be provided to all BCDCOG staff:

- » Information on the Title VI Policy and LEP responsibilities.
- » Description of language assistance services offered to the public.
- » Documentation of language assistance requests.
- » How to handle a potential Title VI/LEP complaint.

Subrecipients, Subcontractors and LEP Policies

All contractors or subcontractors performing work for the BCDCOG will be informed of their responsibility to follow the Title VI/LEP guidelines special requests.

Awareness of LEP has grown in recent years and BCDCOG is committed to assisting all persons achieve mobility. All fare information is posted on each bus and at the Transit Center in Spanish. Schedule information incorporates international symbols to improve the readability of transit information. Route signs have been installed throughout the system to aid navigation. BCDCOG will work with subrecipients to provide information in the requested format.



ENVIRONMENTAL JUSTICE

Environmental justice is a program to ensure that one group is not unjustly subjected to burden the negative impacts of a construction project or general impact of an organizational decision. BCDCOG will include environmental justice considerations in capital investment projects and transit service delivery

1. **Monitoring of Transit Service:** In order to comply with 49 CFR Section 21.5(2), 49 CFR Section 21.5(b) (7) and Appendix C to 49 CFR part 21, monitoring of transit service provided throughout the service area will occur on an ongoing basis to compare the level and quality of service provided to predominantly minority areas with service provided in other areas to ensure that the end result of policies and decision-making is equitable service. If the monitoring determines that prior decisions have resulted in disparate impacts, corrective action to remedy the disparities will be recommended to the transit service provider.
2. **CHATS Metropolitan Planning Organization Documents:** CHATS produces three major planning documents: the Unified Planning Work Program (UPWP), Transportation Improvement Program (TIP), and the Long Range Transportation Plan (LRTP). Protections provided under Title VI are incorporated into each of these documents. The projects selected for execution considered the needs as well as the impacts on those traditionally underserved by the transportation systems, such as low income and minority populations who may face challenges accessing employment, medical and other services. The TIP and LRTP project selection criteria include environmental justice as a criterion. All of these efforts and procedures are detailed in the CHATS PPP. The BCDCOG region's TIP is provided to SC DOT to be included in the statewide transportation Improvement program (STIP).
3. **Programming of Capital Investment Projects:** Prior to scoring of a project for inclusion in the LRTP, MTIP, Rural LRTP, and Rural TIP, all proposed capital investment transportation projects involving new construction, right of way acquisition and other activities will be evaluated for impact on minority, low-income, and LEP populations.
4. **Public Outreach and Involvement Activities:** In order to integrate into community outreach activities, the viewpoints of minority, low-income, and LEP populations will be sought out and considered in the course of conducting public outreach and involvement activities related to a transportation and/or transit planning activity in accord with the BCDCOG Public Participation Plan (PPP) updated in 2012. Multiple methods of communication are offered to our customers and citizens. Staff is accessible by telephone, e-mail, and in person. The agency contact information is published on the website, transit vehicle interior, route schedules, and all publications. Also, public participation is encouraged through the Metropolitan Planning Organization and organization-wide BCDCOG events.



DISTRIBUTION, MONITORING AND UPDATING THE TITLE VI AND LEP POLICIES

The BCDCOG will post the Title VI Civil Rights and LEP Policy Updates on its website at www.bcdco.com. Any persons, including social service, non-profit, and law enforcement agencies and other community partners with internet access will be able to access the plan. For those without personal internet service, all Berkeley, Charleston, and Dorchester County libraries offer free internet access. Copies of the Title VI Civil Rights Update will be provided to any person or agency requesting a copy. Each LEP persons may obtain copies/translations of the plan upon request. Any questions or comments regarding this plan should be directed to the BCDCOG Title VI Coordinator:

Robin W. Mitchum, Deputy Director, BCDCOG
1362 McMillan Ave., Suite 100
North Charleston, SC 29405
Phone: 843.529.0400
Fax: 843.529.0305
[E-mail: robinm@bcdco.com](mailto:robinm@bcdco.com)

The Title VI Plan is designed to be a working document and is one that can be easily updated. At a minimum, the BCDCOG will follow the Title VI Program update schedule for MPOs. The next required Title VI Program update must be forwarded to the FTA by April 1, 2018. The Title VI Plan will be updated if needed or if required by FHWA or FTA before April 2021.

BOARD AND COMMITTEE MEMBERSHIPS

The BCDCOG values diversity and actively seeks representation on boards, regardless of cultural identity, background or income level. On April 12, 2010, the BCDCOG amended the By Laws to enhance diversity on the board as follows:

“In accordance with the membership provisions set forth in Article II of the Agreement, the terms of membership of elected officials shall be coterminous with the term of elected office...The membership provisions set forth in Article II of the Agreement have been revised to include two additional minority representatives from each of the three county councils (Berkeley, Charleston, and Dorchester). The new representatives do not have to be elected representatives, they could be citizens but they must be minorities.”

A complete list of BCDCOG/MPO committee membership by race is attached in Appendix D.

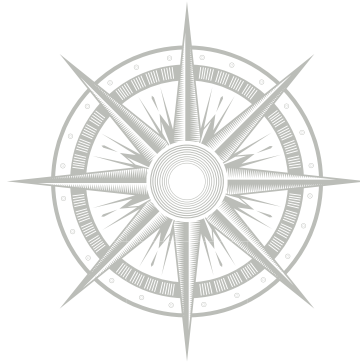
CONCLUSION

The Civil Rights Act was established in the spirit of fair and equitable treatment of all persons. The preceding policies and performance measures seek to objectively indicate that BCDCOG has complied with the intent of the legislation. The data presented in the tables, text, and maps offer evidence that these requirements have been met. Transit service and other transportation facilities are a benefit for all citizens of this community and legislations, such as Title VI ensures that it is allocated equitably.





Appendices



Appendix A

Title VI Policy Statement

Title VI Policy Statement

It is the policy of the Berkeley Charleston Dorchester Council of Governments (BCDCOG) to comply with all federal and state authorities requiring nondiscrimination, including but not limited to Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (ADA), the Age Discrimination Act of 1975 and Executive Order 12898 (Environmental Justice) and 13166 (Limited English Proficiency). The BCDCOG does not and will not exclude from participation in; deny the benefits of; or subject anyone to discrimination on the basis of race, color, national origin, sex, age, disability or income.

All Federally-assisted programs will be administered in a manner to guarantee that the Berkeley Charleston Dorchester Council of Governments (BCDCOG), other recipients, sub-recipients, contractors, subcontractors, transferees, and other recipients, sub-recipients, contractors, subcontractors, transferees, successors in interest, and other participants in Federal financial assistance comply with all requirements imposed by or pursuant to, civil rights acts and Department of Transportation regulations. The Berkeley Charleston Dorchester Council of Governments (BCDCOG) is responsible for initiating and monitoring Title VI activities, preparing required reports and other BCDCOG responsibilities as required by 23 Code of Federal Regulation (CFR) Part 200 and 49 Code of Federal Regulation Part 21.

*Those requiring information in alternative formats or in a language subject to the Berkeley Charleston Dorchester Council of Governments' (BCDCOG) Limited English Proficiency (LEP) Plan, should contact the Title VI Liaison.



Ronald E. Mitchum, Executive Director

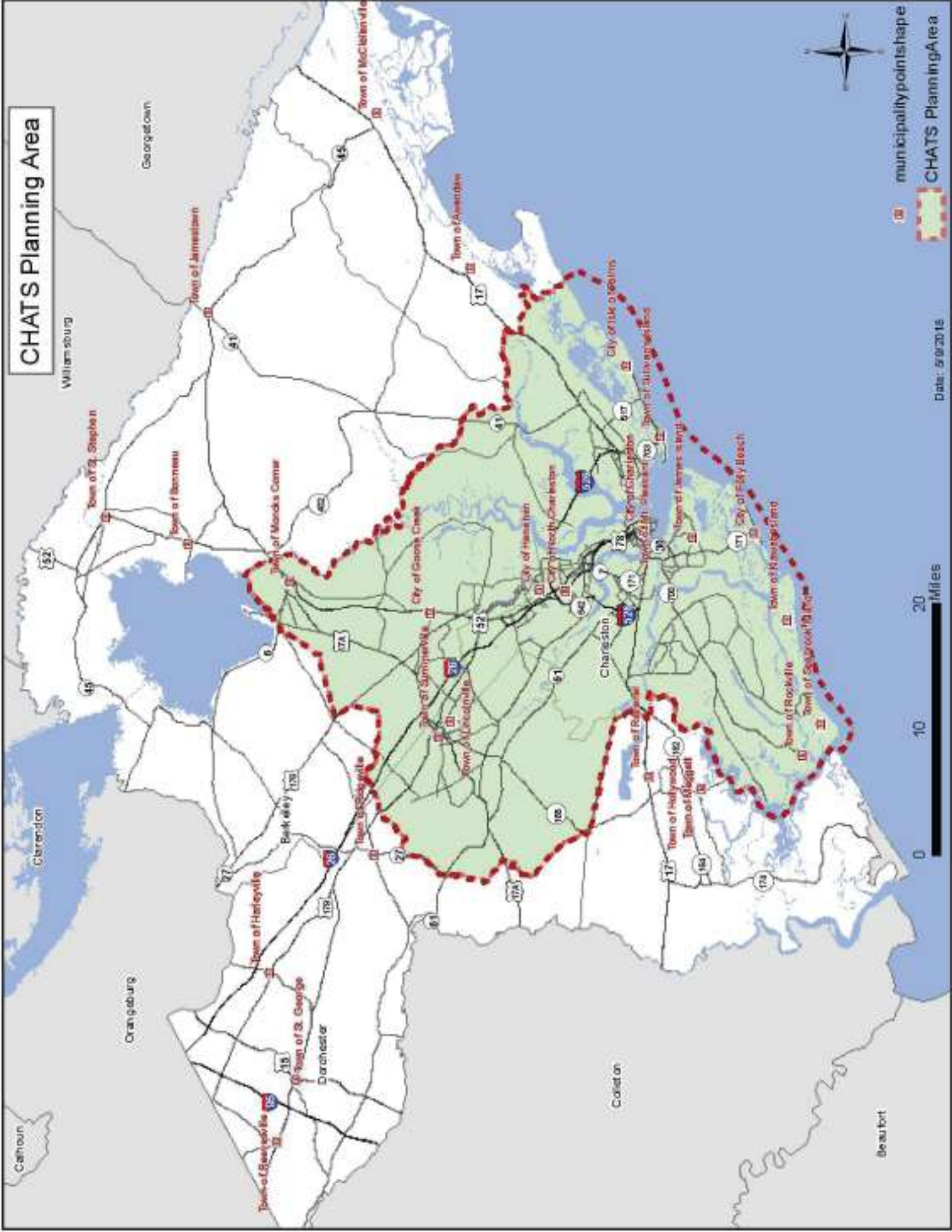
Name of Authorized Official (signature)

5/11/18

Date



Appendix B

Maps

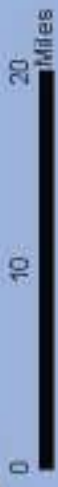


CHATS Planning Area

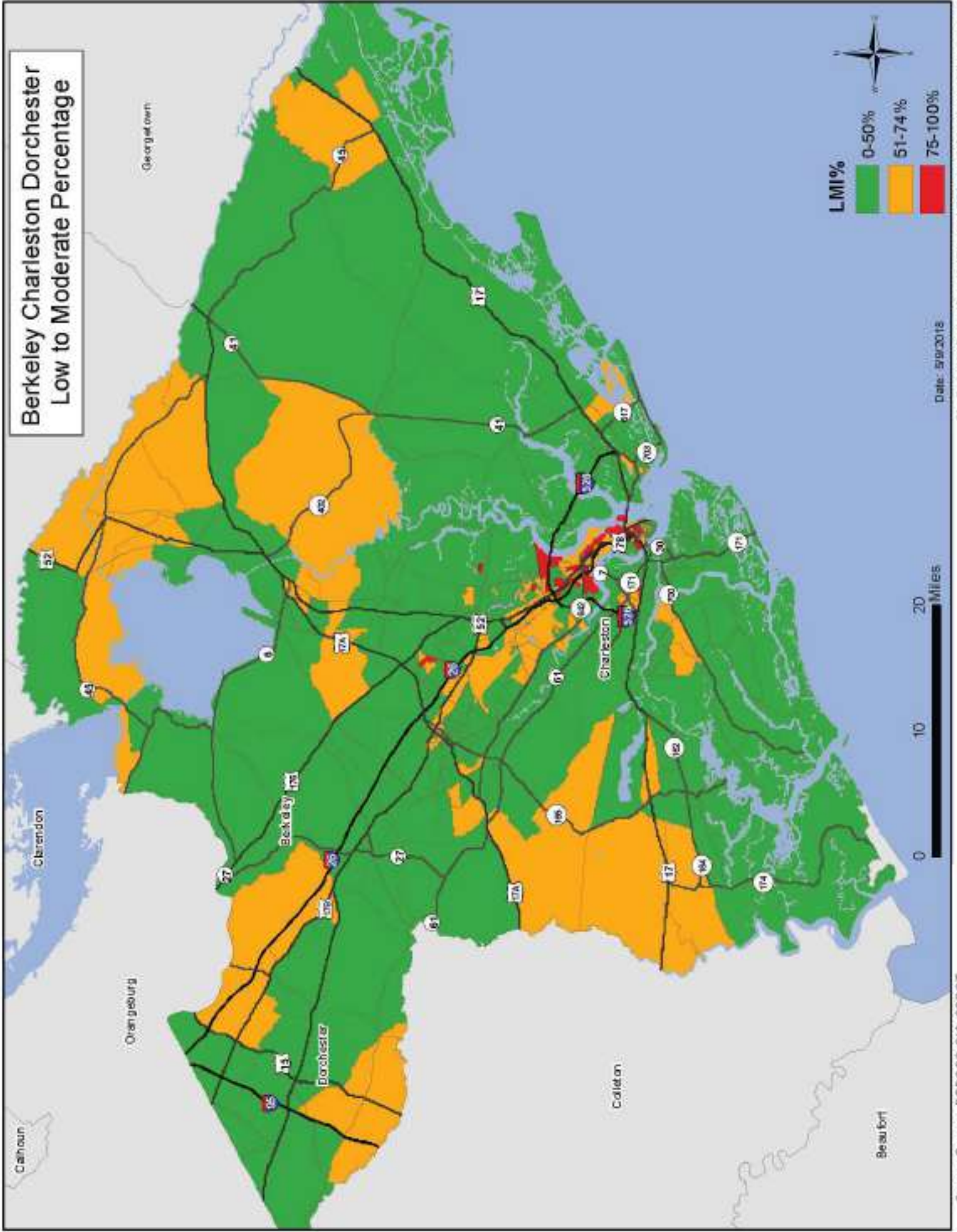


 CHATS Planning Area
 municipality point shape

Date: 5/9/2015



Berkeley Charleston Dorchester Low to Moderate Percentage



LMI%

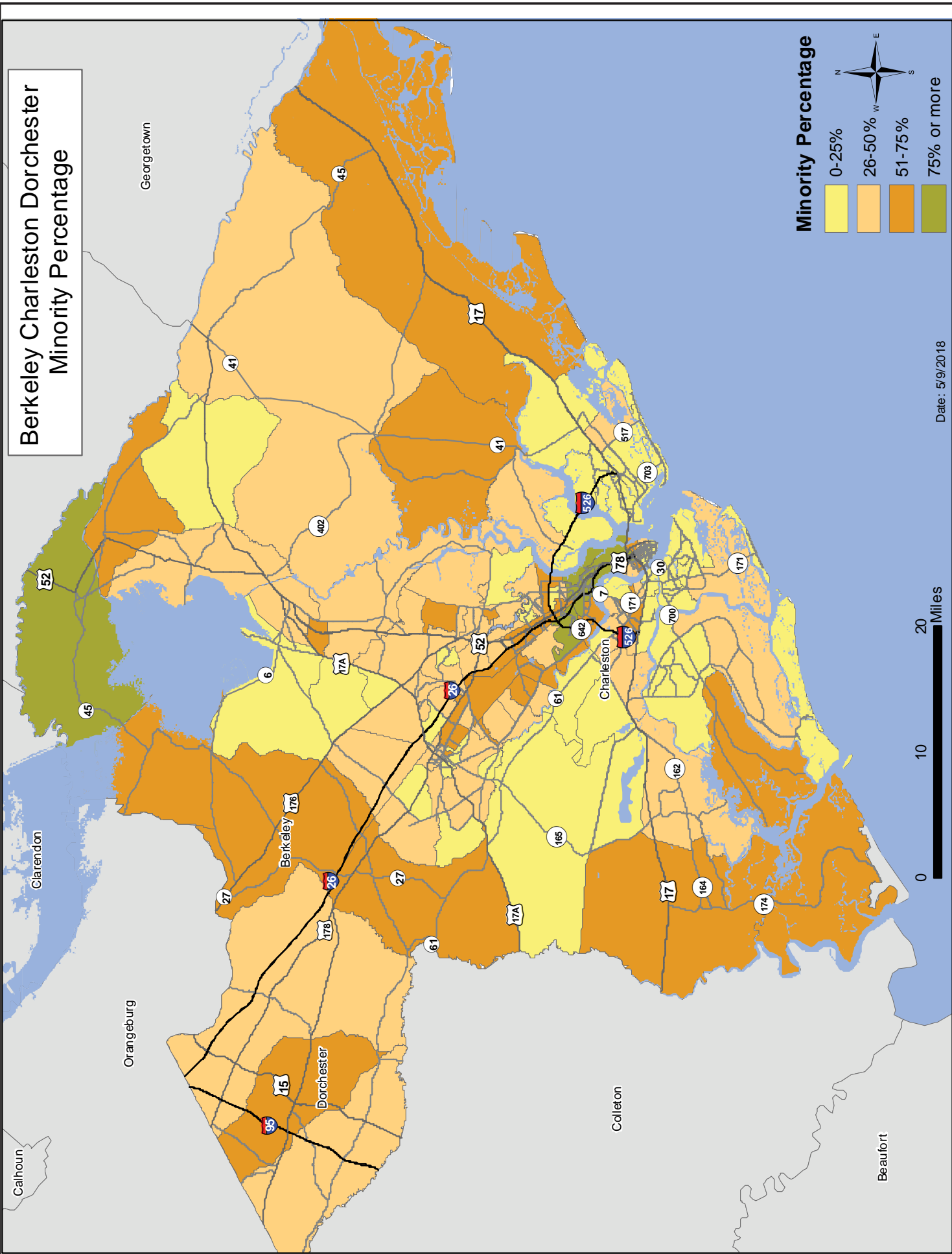
- 0-50%
- 51-74%
- 75-100%



Date: 5/9/2018

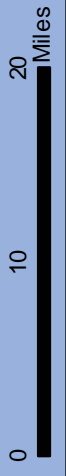
0 10 20 Miles

Berkeley Charleston Dorchester Minority Percentage



Minority Percentage

- 0-25%
- 26-50%
- 51-75%
- 75% or more

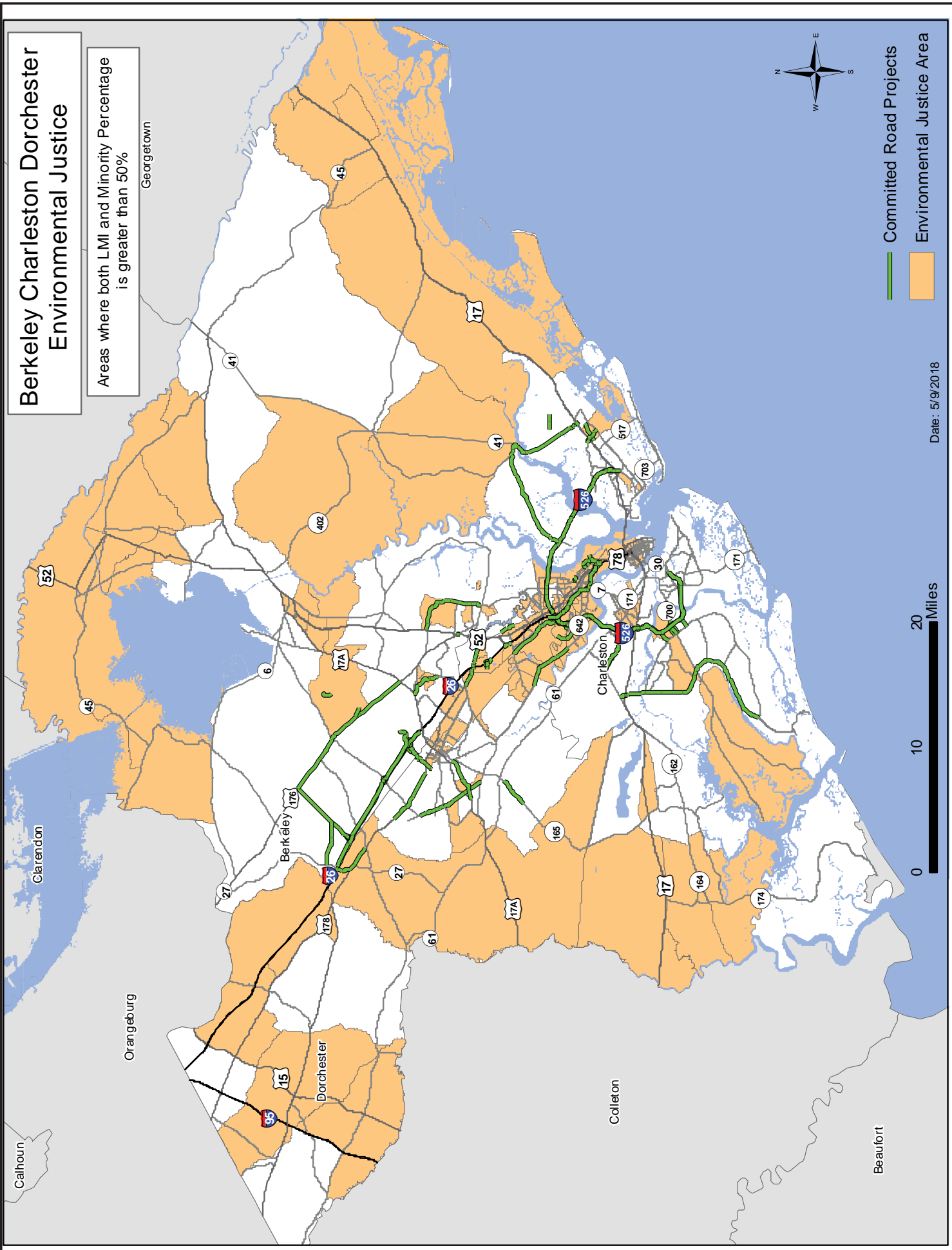


Date: 5/9/2018

Berkeley Charleston Dorchester Environmental Justice

Areas where both LMI and Minority Percentage is greater than 50%

Georgetown



Date: 5/9/2018

Appendix C

Title VI Investigation Log and Complaint Form

Log of Title VI Investigations, Complaints, and Lawsuits

The BCDCOG maintains a log for the documentation of any Title VI complaints, investigations and lawsuits that are filed. To date, there have been no Title VI complaints, investigations, or lawsuits filed against the BCDCOG.

	Date (MM/DD/YYYY)	Summary of Complaint (include basis of complaint: race, national origin, color, age, religion, disability or sex/gender)	Status	Action(s) Taken
Investigations				
1.				
2.				
Lawsuits				
1.				
2.				
Complaints				

Title VI Complaint Form			
Section I:			
Name:		Gender:	Race:
Address:			
Telephone (Home):		Telephone (Work):	
Electronic Mail Address:			
Accessible Format Requirements?	Large Print		Audio Tape
	TDD		Other
Section II:			
Are you filing this complaint on your own behalf?		Yes*	No
*If you answered "yes" to this question, go to Section III.			
If not, please supply the name and relationship of the person for whom you are complaining:			
Please explain why you have filed for a third party:			
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.		Yes	No
Section III:			
I believe the discrimination I experienced was based on (check all that apply):			
<input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin			
Date of Alleged Discrimination (Month, Day, Year): _____			
Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information.			
_____		_____	
NAME	SIGNATURE		

Appendix D

Policy Committees

BCDCOG BOARD OF DIRECTORS			
	NAME	GENDER	RACE
Berkeley County	William Peagler	M	W
	Tommy Newell	M	W
	Steve Davis	M	B
	Caldwell Pinckney	M	B
Berkeley County Legislative Delegation	Joseph Jefferson	M	B
	Elaine Morgan	F	W
Charleston County Council	Victor Rawl	M	W
	Elliott Summey	M	W
	Teddie Pryor	M	B
	Robert Reid	M	B
	Melvin Williams	M	B
	Charles Salmonsens	M	W
	Timothy Craig Ascue	M	B
Charleston County Legislative Delegation	David Mack	M	B
	Peter McCoy	M	W
	Bill Crosby	M	W
	Vacant		
	Tim Mallard	M	W
Dorchester County Council	George Bailey	M	W
	Jay Byars	M	W
	Ralph James	M	B
	Mathew Profit	M	B
Dorchester County Legislative Delegation	Gary Brewer	M	W
City of Charleston	John Tecklenburg	M	W
	Keith Waring	M	B
	Robert Mitchell	M	B
City of North Charleston	Keith Summey	M	W
	Bobby Jameson	M	B
City of Hanahan	Minnie Blackwell	F	W
Town of Mt. Pleasant	Will Haynie	M	W
Town of Summerville	Wiley Johnson	M	W
City of Goose Creek	Michael Heitzler	M	W
City of Isle of Palms	Jimmy Carroll	M	W
Town of Moncks Corner	David Dennis	M	W
Town of St. George	Anne Johnston	F	W
Town of St. Stephen	John Rivers	M	B

Town of Sullivan's Island	Pat O'Neil	M	W
City of Folly Beach	Timothy Goodwin	M	W
Town of Ravenel	Opal Baldwin	F	W
Town of Hollywood	Jacquelyn Heyward	F	B
Town of Meggett	Tom Hutto	M	W
Town of Lincolnville	Charles Duberry	M	B
Town of Awendaw	Miriam Green	F	B
Town of McClellanville	Robert Gannon	M	W
Town of Bonneau	Allen June	M	W
Town of Jamestown	Roy Pipkin	M	W
Town of Kiawah Island	Craig Weaver	M	W
Town of Seabrook	Ronald Ciancio	M	W
Town of Reevesville	Paul Wimberly	M	W
Town of Harleyville	Charles Ackerman	M	W
Town of Ridgeville	Clarence Hughes	M	B
Town of James Island	Leanard Blank	M	W
James Island Public Service District	Bill Cubby Wilder	M	W
North Charleston Sewer District	George Gomes	M	W
Blanchard Construction	Charlie Ledford	M	W

CHATS Policy Committee Membership			
	NAME	GENDER	RACE
Berkeley County Council	William Peagler	M	W
	Tommy Newell	M	W
Berkeley County Legislation	Joseph Daning	M	W
	Sylleste Davis	M	W
Berkeley Charleston Dorchester Council of Governments	Teddie Pryor	M	B
Charleston County Council	Elliott Summey	M	W
	Victor Rawl	M	W
	Herbert Sass	M	W
Charleston County Legislative Delegation	Lin Bennett	F	W
	Leon Stavrinakis	M	W
	Larry Grooms	M	W
	Robert Brown	M	W
	Chip Campsen	M	W
	Bill Crosby	M	W
Dorchester County Council	Jay Byars	M	W
	George Bailey	M	W
Dorchester County Legislative Delegation	Sean Bennett	M	W
SC State Ports Authority	James Newsome	M	W
Charleston County Aviation Authority	Hernan Pena	M	W
CARTA	Mike Seekings	M	W

US Air Force/Naval Weapon Station	Lt. Col. Aaron Warre	M	W
SC Trucking Association	Matt Thompson	M	W
Rail Companies	Frank Macchiaverna	M	W
Berkeley Co. Transportation Committee	Tom Lewis	M	W
Charleston Co. Transportation Committee	Jim Armstrong	M	W
Dorchester Co. Transportation Committee	Vacant		
First Congressional District	Mark Sanford	M	W
Sixth Congressional District	James Clyburn	M	B
SC Department of Transportation	Robby Robbins	M	W
City of Charleston	John Tecklenburg	M	W
	Marvin Wagner	M	W
	Kevin Shealy	M	W
City of North Charleston	Keith Summey	M	W
	Kenneth Skipper	M	W
	Robert King	M	W
Town of Mt. Pleasant	Will Haynie	M	W
	Brad Morrison	M	W
Isle of Palms	Jimmy Carroll	M	W
Town of Sullivan's Island	Pat O'Neil	M	W
City of Folly Beach	Timothy Goodwin	M	W
City of Goose Creek	Michael Heitzler	M	W
	Debra Green-Fletcher	F	W
Town of Seabrook Island	Ronald Ciancio	M	W
Town of James Island	Bill Woolsey	M	W
Town of Lincolnville	Charles Duberry	M	B
City of Hanahan	Michael Sally	M	W
Town of Kiawah Island	Craig Weaver	M	W
	Aaron Brown	M	B
Town of Summerville	Wiley Johnson	M	W
Town of Moncks Corner	Michael Locklear	M	W

CHATS Study Team Membership			
	NAME	GENDER	RACE
BCDCOG	Ron Mitchum	M	W
Berkeley County	Wes Flemming	M	W
Town of James Island	Kristen Crane	F	W
Dorchester County	Jason Carraher	M	W
Dorchester County	John Truluck	M	W
Town of Seabrook Island	Randy Pierce	M	W
Charleston County	Joel Evans	M	W
Bulldog Express	R.D. Moseley	M	W
SC Ports Authority	Tate Zeigler	M	W
SC Ports Authority	Hampton Lee	M	W
DHEC/OCRM	Dan Burger	M	W
Charleston County Aviation Authority	Hernan Pena	M	W
SCCCL	Jason Crowley	M	W
Charleston Water System	Mark Cline	M	W
Town of Folly Beach	Aaron Pope	M	W
City of Charleston	Keith Benjamin	M	B
City of Charleston	Michael Mathis	M	W
City of North Charleston	Charles Drayton	M	W
Town of Mt. Pleasant	Brad Morrison	M	W
City of Goose Creek	Kara Browder	F	W
Town of Moncks Corner	Doug Polen	M	W
Charleston County	Merle Johnson	M	B
Joint Base Charleston	Bill Werrell	M	W
Town of Summerville	Russ Cornette	M	W
Town of Kiawah	John Taylor	M	W
City of Hanahan	John Cribb	M	W
Dorchester 2 School District	Steve Shope	M	W
Charleston County School District	Sean Hughes	M	W

Appendix E

Assurances

Standard U.S. DOT Title VI Assurances

The **Berkeley Charleston Dorchester Council of Governments (BCDCOG)** (hereinafter referred to as the “Recipient”) HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT) through the **Federal Highway Administration (FHWA)** or the **Federal Transit Administration (FTA)**, is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (§42 U.S.C. 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (*entitled Non-discrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964),

The preceding statutory and regulatory cites hereinafter are referred to as the “Acts” and “Regulations”, respectively.

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that

“No person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity,” for which the Recipient receives Federal financial assistance from the Department of Transportation, including the **FEDERAL HIGHWAY ADMINISTRATION (FHWA) AND THE FEDERAL TRANSIT ADMINISTRATION (FTA)**.

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally-assisted programs:

1. The Recipient agrees that each “activity”, “facility”, or “program”, as defined in §§21.23(b) and 21.23(e) of 49 C.F.R. §21 will be (with regard to an “activity”) facilitated, or will be (with regard to a facility (operated, or will be (with regard to a “program”) conducted in compliance with all requirements imposed by, or pursuant to the Acts and, the Regulations.
2. That the Recipient will insert the following notification in all solicitations for bids, Requests for Proposals for work, or material subject to the Acts and the Regulations made in connection with all programs and activities and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

“The Berkeley Charleston Dorchester Council of Governments (BCDCOG), in accordance with Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C §§2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.”

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon, or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition or real property or an interest in real property, the Assurance will extend to the rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - (a) for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - (b) for the construction or use of, or access to, space on, over or under real property acquired, or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
 - (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - (b) the period during which the Recipient retains ownership or possession of the property.

9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations and this Assurance.

10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient by the Department of Transportation under any program or activity and is binding on it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest and other participants. The person or persons whose signatures appear below are authorized to sign this Assurance on behalf of the Recipient.

Berkeley Charleston Dorchester Council of Governments

by _____

Signature of Authorized Official

Dated _____

APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the “contractor”) agrees as follows:

- (1) **Compliance with Regulations:** The contractor (Hereinafter includes consultants) will comply with the Acts and the Regulations relative to nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Highway Administration (FHWA), and Federal Transit Administration (FTA), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
- (2) **Non-discrimination:** The Contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR part 21. This includes FHWA or FTA specific program requirement.
- (3) **Solicitations for Subcontractors, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor’s obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin. This includes FHWA or FTA specific program requirements.
- (4) **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the *Berkeley Charleston Dorchester Council of Governments*, **the FEDERAL HIGHWAY ADMINISTRATION (FHWA), or the FEDERAL TRANSIT ADMINISTRATION (FTA)** to be pertinent to ascertain compliance with such Acts, Regulations, instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the *Berkeley Charleston Dorchester Council of Governments*, FHWA or the FTA, as appropriate, and will set forth what efforts it has made to obtain the information.
- (5) **Sanctions for Noncompliance:** In the event of the contractor’s noncompliance with the Non-discrimination provisions of this contract, the *Berkeley Charleston Dorchester Council of Governments (BCDCOG)* will impose such contract sanctions as it or **the FEDERAL HIGHWAY ADMINISTRATION (FHWA), or the FEDERAL TRANSIT ADMINISTRATION (FTA)** may determine to be appropriate, including, but not limited to:
 - (a) withholding of payments to the contractor under the contract until the contractor complies, and/or
 - (b) cancellation, termination or suspension of the contract, in whole or in part.

(6) Incorporation of Provisions: The contractor will include the provisions of paragraphs one (1) through six (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontractor procurement as the *Berkeley Charleston Dorchester Council of Governments* **the FEDERAL HIGHWAY ADMINISTRATION (FHWA), or the FEDERAL TRANSIT ADMINISTRATION (FTA)** may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with, litigation with a subcontractor, or supplier because of such direction, the contractor may request the *Berkeley Charleston Dorchester Council of Governments* to enter into any litigation to protect the interests of the *Berkeley Charleston Dorchester Council of Governments* In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the *Berkeley Charleston Dorchester Council of Governments* will accept Title to the lands and maintain the project constructed thereon, in accordance with the appropriate legislative authority, the Regulations for the Administration of its programs and activities, and the policies and procedures prescribed by **the FEDERAL HIGHWAY ADMINISTRATION or the FEDERAL TRANSIT ADMINISTRATION** of the U.S. Department of Transportation in accordance with and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in federally assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. §2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the SCDOT all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto *Berkeley Charleston Dorchester Council of Governments* and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the *Berkeley Charleston Dorchester Council of Governments*), its successors and assigns.

The *Berkeley Charleston Dorchester Council of Governments*), in consideration or the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on over or under such lands hereby conveyed [,] [and]* (2) that the *Berkeley Charleston Dorchester Council of Governments* will use the lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, SubTitle A, Office of the Secretary, Part 21, Nondiscrimination in federally assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended [, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and the above described land and facilities will thereon revert to and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purposes of Title VI of the Civil Rights Act of 1964.

APPENDIX C

CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in all deeds, licenses, leases, permits, or similar instruments entered into by the *Berkeley Charleston Dorchester Council of Governments*) pursuant to the provisions of Assurance 7(a):

- A. The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add “as a covenant running with the land”] that:
 1. In the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all other requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of a breach of any of the above Non-discrimination covenants, *Berkeley Charleston Dorchester Council of Governments(BCDCOG)* will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said land and the facilities thereon, and hold the same as if said [licenses, lease, permit, etc.] had never been made or issued.*
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, *Berkeley Charleston Dorchester Council of Governments(BCDCOG)* will have the right to enter or reenter said lands and facilities thereon, and the above described lands and facilities will thereupon revert to and vest in and become the absolute property of *Berkeley Charleston Dorchester Council of Governments (BCDCOG)* and its assigns.*

* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

APPENDIX D

CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in all deeds, licenses, leases, permits, or similar instruments entered into by the *Berkeley Charleston Dorchester Council of Governments* (BCDCOG) pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add “as a covenant running with the land”) that:
 - (1) no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities,
 - (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination, and
 - (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.

- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, *Berkeley Charleston Dorchester Council of Governments* (BCDCOG) will have the right to terminate the (license, permit, etc., as appropriate) and enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*

- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, *Berkeley Charleston Dorchester Council of Governments* (BCDCOG) will have the right to enter or reenter said lands and facilities thereon, and the above described lands and facilities will thereupon revert to and vest in and become the absolute property of *Berkeley Charleston Dorchester Council of Governments* (BCDCOG) and its assigns.*

* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI.

APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees to comply with the following non-discrimination statutes and authorities, including but not limited to:

Pertinent Non-Discrimination Authorities:

- Title VI of the 1964 Civil Rights Act (42 U.S.C. 28000 *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. §4601) Prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects;
- The Federal-aid Highway Act of 1973, (23 U.S.C. §324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended (42 U.S.C. §6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (42 U.S.C. §47123), as amended, (prohibits discrimination on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (P.L. 100-209), (Broadened, the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§12131-12189) as implemented by Department of Transportation regulations at 49 CFR Parts 37 and 38;
- The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. §47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures nondiscrimination by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance, recipients must take reasonable steps to ensure that LEP persons have meaningful access to programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendment of 1972, as amended, which prohibits discrimination on the basis of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).

